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RESPONSE UNDER 37 C.F.R. 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 3736PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kenneth T. Heruth;  
Keith A. Miesel Confirmation No. 8230

Serial No.: 10/825,955

Filed: April 15, 2004 Customer No.: 28863

Examiner: Jeffrey Gerben Hoekstra

Group Art Unit: 3736

Docket No.: 1023-362US01

Title: COLLECTING ACTIVITY AND SLEEP QUALITY INFORMATION VIA  
A MEDICAL DEVICE

**AMENDMENT**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Final Office Action mailed January 17, 2007, the period of response for which runs through April 17, 2007, please amend the application as follows.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 9 of this paper.